

1935

Year

Chapter

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CHAPTER 679

No. 927

Int. 854

IN SENATE

February 7, 1935

Introduced by Mr. H. L. O'BRIEN—read twice and ordered printed, and when printed to be committed to the Committee on Labor and Industry

AN ACT

To amend the labor law, in relation to the weekly payment of wages

Notes

Jurats and Enacting Clause.....

Compared by

Curry, Tuhey - White

APPROVED

APR 30 1935

State of New York

In Senate

MAR 22

1935

Ordered, That the Clerk deliver the bill entitled:

IN SENATE

No. 927

Int. 854

An act to amend the labor law, in relation to the weekly payment of wages

to the Assembly and request its concurrence in the same.

By order

James J. Reilly,

1

Clerk.

IN ASSEMBLY

APR - 8

1935

Passed without amendments
By order of Assembly

James W. Story

CLERK

under the recent amendment to the Labor Law providing for weekly payments of wages to employees, Industrial Commissioner Elmer F. Andrews pointed out today in response to numerous inquiries regarding the amendment, which was signed by Governor Herbert H. Lehman on May 2, 1935.

"The amendment to Subdivision 2 of Section 196 of the Labor Law does not change the classification of wage earners who must be paid under its provisions, nor does it change the administrative regulation that wage payments must be made either weekly or in full every two weeks to 'employees,' who are defined in the Labor Law as 'working men, laborers or mechanics,'" said Commissioner Andrews. The regulation that fortnightly payments in full are legal is based on an Attorney General's opinion.

"The one practical change made by the amendment is to bring under the law unincorporated concerns, partnerships and individuals who were not covered under the terms of the old law.

"This amendment was designed to protect the employees of so-called gyp unincorporated firms, partnerships and individuals who would set up business to perform one or two contracts, defer the payments of wages to their employees for prolonged periods and then shut up shop and disappear. They will now have to pay wages within two-week intervals. The law previously compelled only corporations and joint-stock associations to do this.

"Subdivision 2 of Section 196 of the Labor Law formerly read:

'Every other corporation or joint-stock association, or person carrying on the business thereof by lease or otherwise, shall pay weekly to each employee the wages earned to a day not more than six days prior to the date of such payment.'

"As amended by Chapter 619 of the Laws of 1935, this section now reads:

'Every person carrying on a business by lease or otherwise shall pay weekly to each employee the wages earned to a day not more than six days prior to the date of such payment.'

"Subdivision 8 of Section 2 of the Labor Law says 'person' includes a corporation or a joint-stock association.

"The Bureau of Labor Welfare of the State Department of Labor will be materially assisted in the collection of wages by this amendment."

AFFILIATED WITH
THE AMERICAN FEDERATION
OF LABOR
ORGANIZED 1864



J. M. O'HANLON
SECRETARY-TREASURER
9 SOUTH HAWK STREET
TELEPHONE 4-6831

ALBANY, N. Y., April 10, 1935

Hon. Herbert H. Lehman,
Governor, State of New York,
Executive Chamber, Capitol,
Albany, N. Y.

Honored Sir:

The New York State Federation of Labor respectfully requests that you will approve and sign Senate bill, Int. No. 854, Printed No. 927, introduced by Senator H. L. O'Brien, which has passed the Legislature and is now before you for consideration.

This bill amends the Labor Law in relation to weekly payment of wages by making the section read that weekly payment of wages of employees shall be required of every person carrying on a business by lease or otherwise. This amendment was drafted by the State Department of Labor and is for the purpose of clarifying this section of the Labor Law.

Hoping this bill will receive your favorable consideration and be added to the statutes of the state for 1935, I am

Most respectfully yours,

J. M. O'Hanlon
Secretary-Treasurer.

BS&AU
12646

COUNSEL TO GOVERNOR

APR 11 1935

RECEIVED

5854

April 10th, 1935.
565 Westchester St.,
Long Beach, L.I., N.Y.

Hon. Herbert H. Lehman,
State Capitol,
New York

Dear Sir:-

I understand that there has been presented for your
ratification The H.L.O'Brien Bill which provides for
the weekly payment of salaries of people employed
in the State of New York.

I together with the undersigned hope that you will
approve this measure.

Sincerely yours,

Graydon Runyon

Harry E. Harms
Chas. V. Duile
Marie L. Shorley
W. F. Hollander
Minnie C. Fiorelli
Alice E. Rozalski
Helen Handrack

Charles D. Tamm
Richard A. Gillespie
Henry S. Bunnell
Herbert Raymond
John J. Newman
Stephen Gimbel
Lila Youngman
William H. Metzger
James A. Gayle
John Kramer

The American Lace Manufacturing Co.

INCORPORATED

1355 BROADWAY

New York City

FACTORY AT
ELYRIA, OHIO

To the Secretary
of Governor Lehman
Dear Sir

Will you let me know by return mail
if Governor Lehman signed the late Senator ~~P. B. S.~~
bill in which the assembly passed last week
in which is where anybody who is employed must
be paid weekly the article was in last Friday's
or Tuesday's New York Times when Governor Lehman
signed over fifty bills

If possible can you mail me a copy
of the bill I would certainly appreciate it

Hoping to hear from you and
wishing you and Governor Mrs. Lehman
a pleasant Easter

I remain
yours truly
Max H. Radin

P.S. In case the Governor
signed the bill when does
it take effect

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GEORGE C. FRASER
 LOUIS DEAN SPEIR
 SCHUYLER M. MEYER
 H. MAYNARD KIDDER
 JEROME L. KERBECK
 JOHN L. DUNN
 JOHN W. MATZ
 GUYE B. HARRINGTON

FRASER, SPEIR, MEYER & KIDDER
 COUNSELORS AT LAW
 49 WALL STREET
 NEW YORK CITY

TELEPHONE: BOWLING GREEN 9-7190
 CABLE ADDRESS: "GEOCOPRAS"

April 18, 1935.

Hon. Herbert Lehman,
 The State Capitol,
 Albany, New York.

Dear Sir:--

We are the attorneys for The Woodlawn Cemetery and write to protest in their behalf against approval of Senate bill No. 927, Int. No. 854 amending the Labor Law in relation to the weekly payment of wages.

The Cemetery is a membership corporation not engaged in business for profit. It has about 400 employees who would be affected by the bill, and who are now paid on a bi-monthly basis. To change the pay-roll from bi-monthly to a weekly basis would involve a substantial added expense to the Cemetery's cost of operation. The extra expense would include the armored service which delivers the pay-roll from the bank, additional accounting necessary in preparing the weekly pay-roll, additional labor each week to pay the money, added expense on additional time cards, pay-roll sheets, etc.

The present steadily increasing cost of operation, particularly for a non-profit making organization, is a serious problem, and any added expense, such as a weekly pay-roll, may necessitate a curtailment of the pay-roll itself.

We therefore respectfully request that you veto the bill.

Yours very truly,

FRASER, SPEIR, MEYER & KIDDER

Schuyler M. Meyer

SMM:R.

MEMORANDUM FOR THE GOVERNOR

Senate Print No. 927
" Intro. No. 854

This bill was introduced at the request of the Department of Labor. It amends the Labor Law by requiring that every person employing workers within the scope of the Labor Law shall pay weekly to each employee the wages earned.

This Section of the Law was formerly limited to corporations and joint stock associations. The experience of the Department in our wage collection work clearly indicated that it was imperative that this same requirement should be extended to individuals and copartnerships carrying on business. Many of our wage collection complaints involved the individual or copartnership type of employer.

An amendment of this same kind was sought from the Legislature last year but by a strange quirk of legislative performance, the Assembly defeated a similar bill to this at the same time that it passed a companion bill amending the Penal Law Sections and making a misdemeanor the failure to pay wages weekly by other than corporations or joint stock associations. Consequently, for the past year the Penal Law has been more stringent in its requirement than this Section of the Labor Law to which it refers. This bill will bring the wording of the Labor Law and Penal Law into agreement.

I therefore recommend it to you for approval.

Elmer J. Andrews

INDUSTRIAL COMMISSIONER

619

MEMORANDUM FOR THE GOVERNOR

in re

Senate Intro.854 - Print 927

This bill amends section 196 of the labor law relative to the weekly payment of wages by making it applicable to all employers covered by the provisions of the labor law generally rather than, as now limited to corporations and joint stock associations. There never was any fundamental reason for the distinction of the limitation to corporations and joint stock associations in the matter of weekly payment.

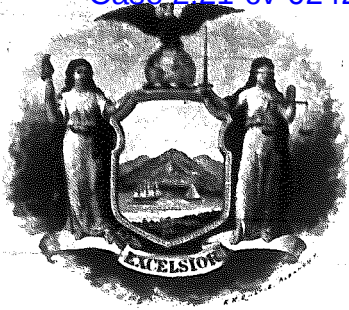
The experience of our Labor Welfare Division in the collection of unpaid wages clearly indicates that the lack of the requirement of weekly wages by all types of employers has undoubtedly led to the creation of the non wage payment evil in the individual or individually operated business or the co-partnership.

A bill similar to this was presented by the Department last year together with a companion bill amending the Penal law in the same respect. By a strange quirk of legislative procedure, the bill amending the Penal law was adopted by the Legislature and signed by your Excellency, whereas the basic amendment of the labor law was beaten in the Assembly. Therefor, for the past year, the Penal law establishes an offense that makes reference to section 196 of the labor law which does not correspond in the coverage of the entities in business. This situation should be remedied and this bill brings both the labor law and the penal law into agreement.

For these reasons, I earnestly ask that you approve this bill.

Chas F. Anderson

INDUSTRIAL COMMISSIONER



ELMER F. ANDREWS
INDUSTRIAL COMMISSIONER

STATE OF NEW YORK
DEPARTMENT OF LABOR
ALBANY

NEW YORK OFFICE, NO. 80 CENTRE STREET

NEW YORK, May 24th, 1935.

Hon. Charles Poletti,
Counsel to the Governor,
Executive Chamber,
Albany, New York.

Dear Charlie:

The best reply that I can make to your letter of May 22nd is to enclose a release covering the amendment to Subdivision 2 of Section 196 of the Labor Law which we are using at this office in answer to inquiries which we receive.

Sincerely,

Elmer F. Andrews
Industrial Commissioner

EFA/Z

Put with bill!